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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,910	07/25/2003	James E. Staargaard	GVC.00001US	3459
7590	10/18/2005		EXAMINER	
Richard W. Hoffmann PO Box 70098 Rochester Hills, MI 48307			NORDMEYER, PATRICIA L	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/627,910	STAARGAARD ET AL.	
Examiner	Art Unit		
Patricia L. Nordmeyer	1772		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 09 September 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-11 and 13-33 is/are pending in the application.  
4a) Of the above claim(s) 14-21 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-11, 13 and 22-33 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 9, 2005 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 5, 9 – 11 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Cunningham (USPN 6,584,950).

Cunningham discloses disclose an integral plastic and metal part (Column 1, lines 7 – 8 and Column 4, lines 7 – 16) wherein the metal component has a first opening therein comprising a series of opening (Column 3, lines 44 – 46), a plastic component is disposed around a portion of the metal component (Column 6, lines 39 - 43), wherein the plastic material extends through the first opening and includes a flange on one side for securing the components together in a

fixed relationship (Figures 4 - 8) as in claims 1 and 13. Also with regard to claim 1, the plastic component includes at least one integrally formed connection element extending outwardly therefrom, wherein the member has a connection portion formed therein that is operable to receive a fastening member so as to permit said plastic component to be fastened with at least one other component (Column 3, lines 11 - 16). As in claim 5, a plurality ribs make up the plastic component (Column 6, lines 7 - 20). With regard to claims 2 - 4, 9 and 10, the rectangular and annular flanges (Column 8, lines 1- 5) extend outwardly of said edges on one side of the opening and the plastic material extends beyond said edge on the opposite side of said opening, wherein the opening has curved edges (Figures 4 - 8). As seen in Figure 9, #12, the metal component has a second edge that has been folded and contains an opening according to claim 11.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6 - 8 and 22 - 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cunningham in view of Rich et al. (USPN 5,219,197).

Cunningham discloses disclose an integral plastic and metal part (Column 1, lines 7 - 8

and Column 4, lines 7 – 16) wherein the metal component has a first opening therein comprising a series of opening (Column 3, lines 44 – 46), a plastic component is disposed around a portion of the metal component (Column 6, lines 39 - 43), wherein the plastic material extends through the first opening and includes a flange on one side for securing the components together in a fixed relationship (Figures 4 - 8). The plastic component includes at least one integrally formed connection element extending outwardly therefrom, wherein the member has a connection portion formed therein that is operable to receive a fastening member so as to permit said plastic component to be fastened with at least one other component (Column3, lines 11 – 16). A plurality ribs make up the plastic component (Column 6, lines 7 - 20). The rectangular and annular flanges (Column 8, lines 1- 5) extend outwardly of said edges on one side of the opening and the plastic material extends beyond said edge on the opposite side of said opening, wherein the opening has curved edges (Figures 4 - 8). As seen in Figure 9, #12, the metal component has a second edge that has been folded and contains an opening. Cunningham also discloses that the metal component may have numerous configurations or shapes (Column 5, lines 64 – 65). However, Cunningham fails to disclose a metal component having a closed cross section defining an interior and exterior and having a first opening therein from the interior to the exterior.

Rich et al. teach a closed cross section bar (Column 1, lines 7 – 9) made from a metal component (Column 2, lines 15 – 18) as part of an automobile that has one open end from the interior of the bar to the exterior (Column 1, lines 50 – 52) for the purpose of forming an impact bar that resists deformation while being lightweight and effective (Column 1, lines 24 – 34).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the closed cross section metal component in Cunningham since Cunningham discloses that the metal component may have numerous configurations or shapes and Rich et al. teach that it is known to use closed cross section metal bars in the construction of automobiles.

***Response to Arguments***

6. Applicant's arguments with respect to claims 1 – 11, 13 and 22 – 33 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 7:00-4:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1772

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patricia L. Nordmeyer

Examiner

Art Unit 1772

*pln*  
pln

*Harold Pyon*  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
*1772*

*10/13/05*